



Montgomery County, Maryland

COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850
240/777 7900 • TTY 240/777-7914 • FAX 240/777-7989 • www.co.mo.md.us/council

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This meeting will be televised live on Channel 6; repeated on 6/13/03 at 8 pm and 6/14/03 at 9 am

Tuesday, June 10, 2003

9:00 T&E Committee

10:15 INVOCATION

10:20 GENERAL BUSINESS

- A. **Announcement** - Agenda and Calendar Changes (Lauer)
- B. **Action** - Approval of Minutes: (Edgar)
- (1) C. **Acknowledgement** - Receipt of Petitions (McGuire)

(2) 10:25 **CONSENT CALENDAR**

- A. **Introduction** - Resolution to approve Starpower Cable Franchise Settlement Agreement (Healy)
Public Hearing is scheduled for 7/1/03 at 1:30 pm.
- B. **Action** - Resolution to extend time for Council action on Starpower Cable Franchise Settlement Agreement until July 29, 2003 (Healy)
- C. **Action** - Resolution to reappoint Director, Office of Zoning and Administrative Hearings: Françoise Carrier (Wilson)
- D. **Action** - Resolution to reappoint Director, Office of People's Counsel: Martin Klauber (Wilson)
- E. **Action** - Resolution to set special tax and special assessment rates for Kingsview Village and West Germantown Development Districts (Orlin)
- F. **Action** - Resolution in Support of State Financing for Middlebrook Square Apartments in Germantown, Maryland (Trombka)
- G. **Action** - Resolution of Consent to and Support for a focus area within a Long Branch/Takoma Park Enterprise Zone (Ferber)
- H. **Action** - Confirmation of County Executive appointments to Western Montgomery County Citizens Advisory Board: John C. Alexander, Robert F. Hemphill, Jr., Geoffrey C. Cook, Sandra-Lee El-Haj, Alan M. Freeman, Renee J. Kotz (Ferber)
- I. **Action** - Confirmation of County Executive appointments to Rustic Roads Advisory Committee: Robert Raver, Cheryl Imperatore, Robert M. Albiol (Ferber)

(2) 10:25 **CONSENT CALENDAR** *(continued)*

- J. **Action** - Confirmation of County Executive appointments to Commission on Child Care: Mara Russell, Christina M. Giovinazzo, Jackie Leach, Anne Schmitz, Eric J. Karolak, Mary Ellen Savarese (Ferber)
- K. **Action** - Confirmation of County Executive appointments to Agricultural Preservation Advisory Board: N. Anne Davies, David O. Scott, Drew Stabler (Ferber)
- L. **Action** - Confirmation of County Executive appointments to Range Approval Committee: August J. Corazza, Peter J. Grahm, Jr., Edward J. Lopez, Thomas R. Willats (Ferber)
- M. **Action** - Confirmation of County Executive appointment to Washington Suburban Sanitary Commission: Gerald J. Roper, Sr. (Ferber)

(3) 10:30 **ACTION** - Resolution to authorize Advance Taking - Montrose Parkway West (Orlin)

10:35 **DISTRICT COUNCIL SESSION**

- (4) A. **Introduction** - Zoning Text Amendment 03-13, Registered noncomplying multi-family dwelling, sponsored by Councilmember Perez (Wilson)
Action - Resolution to establish public hearing for 7/15/03 at 1:30 pm.
- (5) B. **Introduction** - Zoning Text Amendment 03-14, Animal boarding place - RE-2C Zone, sponsored by Councilmember Silverman (Wilson)
Action - Resolution to establish public hearing for 7/15/03 at 1:30 pm.
- (6) C. **Introduction** - Zoning Text Amendment 03-15, Benefit performance, sponsored by Councilmember Silverman (Wilson)
Action - Resolution to establish public hearing for 7/15/03 at 1:30 pm.
- (7) D. **Action** - Consideration of Hearing Examiner's Report and Recommendation of Local Map Amendment: (Wilson)
Application No: H.E. 03-1
Applicant: Montgomery Cemeteries, LLC (Harry W. Lerch and Stuart R. Barr, Attorneys)
Request: Modify special exception for existing cemetery to permit construction of administrative building with chapel, office space and associated parking for cemetery known as Judean Memorial Gardens/Norbeck Memorial Park
Property: Property located at 16225 Batchellors Forest Road, Olney, located on a 36-acre parcel in the RE-2 Zone
Recommendations: Planning Staff: Approve with conditions
Planning Board: Board did not consider the petition
Hearing Examiner: Approve

- (8) E. **Action - Consideration of Hearing Examiner's Report and Recommendation of Local Map Amendment:** (Wilson)

Application No: G-792

Applicant: National Seniors' Housing Corporation (NSHC) (Jody S. Kline, Attorney)

Request: Reclassification from the RE-2C Zone to the PD-5 Zone of property known as "The Miller Property"

Property: "The Miller Property", Parcels 434, 588, 589, 600, and 603, located in the northwest quadrant of Damascus Road (MD Route 108) and Howard Chapel Road, Damascus, consisting of 26.61 acres in the 12th Election District

Recommendations:

Planning Staff:	Approve
Planning Board:	Approve
Hearing Examiner:	Deny

- (9) F. **Action - Request for Oral Argument and/or Consideration of Hearing Examiner's Supplemental Report and Recommendation:** (Wilson)

Application No: DPA 02-2

Applicant: Gables Residential, Inc. (C. Robert Dalrymple and Mark M. Viani, Attorneys)

Request: To amend Montgomery Village Land Use Plan to remove school designation on Rothbury Drive and construct 7-building multi-family rental apartment complex

Property: Located on Rothbury Drive, southwest of intersection of Snouffers School Road & Goshen Road, Montgomery Village

Recommendations:

Planning Staff:	Deny
Planning Board:	Approve
Hearing Examiner:	Deny

12:00 **ADJOURN**

- (10) 1:30 **INTERVIEWS** - Applicants for Montgomery County Planning Board (*6th floor Council Conference Room*) (Ferber)

2:30 **PROPOSED CLOSED SESSION** to consult with staff, consultants, or other individuals about pending or potential litigation, pursuant to Maryland Code, State Government Article, §10-508 (a)(8). Topic is Arlington East case. (*6th Floor Council Conference Room*) (Faden)

3:00 **T&E Committee** *7th floor Council Hearing Room*

- (11) 7:30 **PUBLIC HEARING** - ZTA 03-07, Private educational institution for persons with disabilities - RDT Zone (Wilson)
PHED Committee worksession tentatively scheduled for 6/16/03 at 9:00 am.

Thursday, June 12, 2003:

7:30 **PUBLIC HEARING** on the following:

- **Bill 15-03** - Smoking - Eating and Drinking Establishments (Faden)
- Resolution to adopt Board of Health Regulation restricting smoking in restaurants (Faden)
HHS Committee worksession tentatively scheduled for 6/16/03 at 2:00 pm.

The following appointments were received from the County Executive and are tentatively scheduled for confirmation on June 17, 2003:

Commission on Children and Youth: Michelle K. Doan, Raman Gupta, Elena Frenkel, Mudit Gilotra, Jo Jimenez, Candie A. Villafana, Anica Zlotescu

Silver Spring Transportation System Management Advisory Committee: Barbara V. Henry, Robert Huddleston, Victor Weissberg

Victim Services Advisory Board: David T. Bachrach, Deborah Ehrenstein, Raeed N. Tayeh

Water Quality Advisory Group: Charles Andrews, Helen Nowlin-Chantreau, David C. Plummer, Shobhana Sharma, Douglas W. Holy, Scott E. Kauff

COUNCIL MEETINGS

Note: See the IN COMMITTEE for a listing of the Committee meetings currently scheduled.

June 17, 2003	9:00 am	Regular Session
June 24, 2003	9:00 am	Regular Session
July 1, 2003	9:00 am	Regular Session
July 8, 2003	9:00 am	Regular Session
July 15, 2003	9:00 am	Regular Session

Public Hearings - To Testify call 240-777-7931

June 12, 2003

7:30 pm **Bill 15-03**, Smoking - Eating and Drinking Establishments

7:30 pm Resolution to adopt Board of Health Regulation restricting smoking in restaurants

June 17, 2003

1:30 pm ZTA 03-08, Eliminate certain written transcripts - CBD & Residential-Mixed Use zones

1:30 pm ZTA 03-10, Landscape contractor - C-T and I-1 Zones

1:30 pm ZTA 03-11, Life Sciences Center amendments

1:30 pm Supplemental Appropriation - \$874,128 for Home and Community Based Services for Children with Autism

1:30 pm Supplemental Appropriation - \$312,150 for FY02 State Domestic Preparedness Program

1:30 pm Supplemental Appropriation - \$740,000 for FY02 Urban Search and Rescue Weapons of Mass Destruction Grant

1:30 pm Supplemental Appropriation - \$80,490 for Emergency Response Grant

1:30 pm Supplemental Appropriation - \$8,311,770 for Snow Removal and Storm Cleanup

1:30 pm Special Appropriation - \$2,000,000 for BlackRock Center for the Arts

1:30 pm Supplemental Appropriation - \$9,913,030 for Employee Health Benefits Self-Insurance Internal Service Fund

7:30 pm ZTA 03-09, Moderately Priced Dwelling Units - Large lot zones

June 24, 2003

1:30 pm Resolution to increase the fee schedule for the Administration and enforcement of the Montgomery County Zoning Ordinance - Signs

1:30 pm Resolution to increase the annual fee for the enforcement of the Montgomery County Zoning Ordinance - Special Exceptions

1:30 pm **Bill 16-03**, Homestead Property Tax Credit - 2004 Tax Year

1:30 pm **Bill 17-03**, Personnel - Retirement - Technical Amendments



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Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, June 10, 2003

Item Number

Note

Staff

Agenda Item #1

There were no Petitions received in LIS this week.

McGuire